IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9324 OF 2005

Shri Tejraj Juharmal Oswal
(Gandhi) ..Petitioner
versus
Shri Kalika Devi Somawanshi
Kshatriya Kasar Samaj, through
its Trustees ..Respondents

Shri A. M. Kulkarni i/b. Shri A. P. Kulkarni for the Petitioner.

CORAM : DR. D.Y.CHANDRACHUD,J.
DATE : 10TH FEBRUARY,2006

P.C. :

. By the impugned order the Trial Court has allowed an application for amending the plaint. Primafacie the learned Trial Judge is correct in holding that the effect of the amendment would not be to disturb any admission made and that the amendment would not alter the nature of the suit. In the circumstances, no interference is called for, at this stage, particularly, since the trial is still to take place. However, while dismissing the Petition, it is clarified that it would be open to the Petitioner to challenge the final Judgment and Decree on all grounds should it become necessary for the Petitioner to do so. With the aforesaid clarification, the petition is dismissed.

(DR. D. Y. CHANDRACHUD, J.)